

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 24 July 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land adjoining John Thornycroft Road (Part of former Vosper Thornycroft site), Victoria Road			
<b>Proposed development:</b> Full permission sought for Phase 3 of the Centenary Quay development with a mixed residential and employment use comprising 329 residential units (102 x one bedroom, 178 x two bedroom and 49 x three bedroom units), a food store (Class A1 - 5,500 square metres), commercial space (Classes A1/A2/A3/A4 or B1 - 1,685 sq. m) and a management suite (84 sq. m) in buildings ranging in height from four-storeys to twelve-storeys with associated basement car parking and cycle parking, landscaped public and private open spaces, servicing and other works including junction improvements and temporary access to the rivers edge. (Environmental Impact Assessment Development).			
<b>Application number</b>	12/00474/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	05.07.2012 IN TIME (PPA)	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Major development subject to objection	<b>Ward Councillors</b>	Cllr Cunio Cllr Payne Cllr Williams

<b>Applicant:</b> Crest Nicholson Operations Ltd	<b>Agent:</b> Savills - Fao Gavin Hall
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<b>Recommendation Summary</b>	<b>Delegate to the Planning and Development Manager to approve subject to the criteria listed in this report.</b>
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**Reason for granting Permission**

The development proposed for Phase 3 of the 'Centenary Quay' development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below) dated 24<sup>th</sup> July 2012. The Council has also taken into account:

- the findings of the previous Environmental Statement (as updated) and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011;
- An Appropriate Assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994; and,
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- The outline planning permissions for this site (05/00816/OUT and 08/00389/OUT refers)

The development of Phase 3 will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits, including the provision of the delayed foodstore. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including 72 affordable homes), community facilities and the creation of a distinctive place have been weighed against the concerns raised by residents

about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. Appropriate conditions are in place to secure the vitality and viability of the existing District Centre. The objection to the foodstore not achieving an ‘Excellent’ BREEAM pre-assessment has been weighed against the other net benefits of the proposals and, in light of the outline permission, a ‘Very Good’ BREEAM is deemed to be acceptable in this instance. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted for Phase 2.

Policies of the City of Southampton Local Plan.

SDP1, SDP4-17; SDP21; SDP22; HE1, HE3, HE6, NE4-5; HE6; CLT1; CLT5; CLT6; CLT7; CLT11; L4; H1-3; H7; REI5; REI7; REI15; and MSA18 as supported by policies CS1, CS3-7; CS10; CS12-16 and CS18-25 from the adopted LDF Core Strategy (2010) and the Council’s current list of up to date supplementary planning documents.

<b>Appendix attached</b>			
1	Planning Panel Minutes	2	Development Plan Policies
3	Relevant Planning History	4	SCC City Design comments

### **Recommendation in Full**

1. Delegate the Planning & Development Manager to grant conditional planning approval for planning application 12/00474/FUL subject to:-
  - a. No objections being raised by the National Planning Casework Unit following the referral of this application in accordance with Circular 02/2009 Town and Country Planning (Consultation) (England) Direction (2009) for retail issues; and,
  - b. The applicant entering into a Deed of Variation to the 08/00389/OUT S.106 legal agreement to update and secure the following (if required):
    - i. A scheme for the safeguarding of highways in the vicinity of the site and leading to and from the site from unacceptable construction and delivery transportation damage (including a highway condition survey and reinstatement strategy);
    - ii. Details of how any unexploded ordnance will be resolved, including any off-site works;
    - iii. A Green Travel Plan for both residential and commercial land uses to be secured prior to the implementation of development with ongoing review. The GTP to include a “Car Club”;
    - iv. Testing for the possible screening or disruption in signal of emergency service communications together with the implementation of suitable mitigation measures;

- v. The provision of a minimum of 72 affordable housing units;
- vi. Targeted recruitment and training in relation to employment of local people related to the development (both during and after construction phases);
- vii. A CCTV network linked to the city wide system to be implemented as part of the phased development;
- viii. Obligations relating to resource conservation measures and the implementation-of/connection-to a Combined Heat and Power (CHP) facility for the development;
- ix. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
- x. A financial contribution and/or on-site provision with ongoing maintenance towards public open space required by the development;
- xi. A financial contribution and/or on-site provision with ongoing maintenance towards children's play space required by the development;
- xii. Either a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site, including the wider public realm, or provision to implement an agreed series of works under S.278 of the Highways Act;
- xiii. Strategic transport contributions for highway network improvements in the wider area including a public transport contribution;
- xiv. A post completion TV Reception Study with mitigation works undertaken at the applicant's expense in accordance with the Environmental Statement;
- xv. An off-site contribution towards improved facilities at the St. Mark's Institute for the benefit of the youth of Woolston;
- xvi. The setting up and establishment of a management company for the long term maintenance of the River Edge;
- xvii. Retention of public access across and through the site and the creation of a series of dedicated public rights of way along delineated footpaths along and adjacent to the riverside walkway. All routes to be privately maintained;
- xviii. Contributions towards enhanced nature conservation at Shoreburs Greenway, Peartree Green and Weston Shore to reduce impact of development on loss of nesting/foraging habitats;
- xix. Funding for any necessary Traffic Regulation Orders;
- xx. Construction Traffic Management Plan including off-site routes and times for deliveries;
- xxi. The implementation and ongoing provision of Controlled Parking Zones as required; and

xxii. To resolve the issue of the temporary day nursery contribution and the size and make-up of the library, excluding a public toilet as originally proposed.

2. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

## Background

The application site is allocated for a mixed-use development in the adopted City of Southampton Local Plan Review (2006) under 'saved' Policy MSA18.

Outline planning permission (LPA: 08/00389/OUT refers) was granted for the Centenary Quay (CQ) development on 31<sup>st</sup> December 2009. In summary, the proposed development will introduce approximately an additional 2935 residents in 1620 new dwellings (based on the indicative unit mix of 399 no.1 bed, 941 no.2 bed, 217 no.3 bed and 35 no. 4 bed units and 28 live-work units), and an estimated 787-857 people working in the 28,381sq.m marine employment quarter. An additional 417 jobs will be created by the hotel, foodstore and ancillary retail uses. The approved development comprises:

*'Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).'*

A copy of the minutes from the August 2008 Panel meeting are attached at **Appendix 1**. Phase 1 of this development is nearing completion and is partially occupied. A reserved matters application for Phase 2 (LPA: 11/01923/REM refers) was approved by the Panel on 13<sup>th</sup> March 2012 for the following:

*'Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works.'*

These works are due to commence shortly. This current application relates to Phase 3. The footprint of the proposed buildings is different to the approved layout agreed at the outline stage and cannot, therefore, be treated as a 'reserved matters' application linked to the outline permission. Instead, full planning permission is sought, although the outline planning permission sets the original masterplan and forms a significant material consideration in the determination of this application.

## **1.0 The site and its context**

The 2.68 hectare application site forms part of the former Vosper Thornycroft shipbuilding site and is wholly contained within the original outline site area (some 17.5 hectares in total). It is bounded by the River Itchen to the west, the new spine road known as John Thornycroft Road, Phase 2 and 160 residential units forming Phase 1 of the Centenary Quay development to the east, and the cleared site of the proposed Marine Employment Quarter to the north. The site is located to the south west of the defined Woolston district shopping centre.

- 1.1 The surrounding area is characterised by the district centre, the neighbouring Cooperative foodstore, the river and an extensive residential area, mainly in the form of two-storey terraced housing and some semi-detached and detached houses of varying architectural styles. The site is open to public view from across the River Itchen at Ocean Village and from the Itchen Bridge. The site is currently secured with hoardings to the adjacent roads. There is a change in level across this part of the site of some 3 metres.
- 1.2 The application site lies close to, although not adjacent to, a section of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Atlantic salmon, a secondary interest feature of the River Itchen Special Area of Conservation (SAC), also pass close to the site. A section of the Lee-on-the-Solent Site of Special Scientific Interest shares a boundary with the Solent and Southampton Water SPA.

## **2.0 Proposal**

This application seeks to secure full planning permission for the details of Centenary Quay Phase 3, which will comprise a mixed residential and commercial scheme comprising 329 residential units (102 x one bedroom, 178 x two bedroom and 49 x three bedroom units), a food store (Class A1 - 5,500 square metres (gross)), commercial space (Classes A1/A2/A3/A4 or B1 - 1,685 sq. m) and a management suite (84 sq. m) in buildings ranging in height from four-storeys to twelve-storeys with associated basement car parking.

- 2.1 The applicants seek to amend the quantum and type of development that was shown for Phase 3 at the outline stage, and include all of the indicative Phase 4 and part of the indicative Phase 5 as part of this phase thereby creating a larger phase of development for detailed consideration. The approved masterplan allows for such a variation.

2.2 Phase 3 can be summarised as follows:

<b>Proposed</b>	<b>Summary of Centenary Quay Phase 3</b>
Residential	329 flats comprising: 102 no.1 bed (31%) 178 no.2 bed (54%) 49 no.3 bed (15% or 23% of total if combined with Phases 1 & 2)
Affordable Housing	72 flats comprising: 21 no.1 bed 50 no.2 bed 1 no.3 bed (22% for Phase 3 or 36% if combined with Phases 1 & 2)
Density	123 dph proposed for Phase 3 (329/2.68ha) 174 dph is approved across the 9.3 hectares
Foodstore (Proposed)	Proposed: 5550sq.m (Gross) 3150sq.m (Net) inc. 450sq.m comparison goods
Foodstore (Outline)	Approved at Outline: 4320sq.m (Gross) 3024sq.m (Net) inc. 450sq.m comparison goods
Additional Commercial	Flexible A1 retail/A2/A3 restaurant/A4 drinking/B1 office 1685sq.m + 84sq.m on-site Management Suite
Parking	638 <b>car</b> parking spaces (inc. 33 disabled) comprising: 313 Residential based on 0.84/1 bed and 1/1 for 2/3 bed 12 Residential spaces for Phase 1 from John Thornycroft Rd 313 Foodstore/Management inc. 80 for community uses  375 residential <b>bicycle</b> spaces + 98 commercial cycle spaces
Job Creation	Foodstore – 225 part and full time (some 75% recruited locally and 50% under the age of 24)

2.3 A contemporary design solution, similar to that employed for Phases 1 and 2, is proposed with the use of facing brick, coloured through-renders and coloured hardiplank. As with the outline consent Phase 3 parking is located beneath the proposed Centenary Square development and makes use of the change of level. A total of 638 vehicle spaces are proposed over 2 basement levels, which is compliant with the requirements of the outline permission (condition 56 refers). This total also includes 80 spaces for those users of the community facilities, library approved with Phase 2, and Centenary Quay as a destination.

2.4 The proposed building form remains largely as consented at the outline stage, although the proposed buildings are generally lower in height and can be summarised as follows:

Block K2/K4/K5	7/9/12 storeys above basement – 46.66m (AOD)
Block K3	6 storeys above basement – 28.5m (AOD)
Block J2/J3 (inc. foodstore)	7/8 storeys above basement – 34.84m (AOD)
Block J5/J6	8 storeys above basement – 31.99m (AOD)

2.5 However, the proposed footprint has been amended, particularly to accommodate the foodstore with development now located between Blocks J2/J3 and J6. This is necessary to accommodate the changes necessary to facilitate the swap of the

day nursery and library with the foodstore.

2.6 As such, the key changes to note are:

- The outline indicative Phase 3 has been expanded to include Phase 4 and Block J5/J6 from Phase 5. Block K1 and the first residential tower Block J1 do not form part of this larger phase;
- The day nursery and library that previously formed part of the indicative Phases 3 and 4 have been brought forward for delivery in Phase 2 thereby freeing up space to accommodate the proposed foodstore which no longer forms part of Phase 2.
- The introduction of a foodstore has changed the proposed footprint of development. The amenity space that previously separated block J2 from blocks J5 and J6 is still provided but at roof level above the foodstore and this building now fills the space;
- The number of residential units proposed has increased to take advantage of central government subsidy to facilitate the delivery of 72 of the 329 flats as 'affordable' homes. The applicant is still working to the outline total of 1,620 residential units (25% affordable) for the complete development;
- Car parking for this phase is still in line with the agreed standards for the project but a significant number are now located within this phase to serve the proposed foodstore and civic squares;
- Whilst the reclamation works to support the residential tower Block J1 are not proposed the applicants are proposing to implement a temporary surface treatment to enable public access to the existing water's edge.

2.7 Following the submission of amended plans the basement public car park has been designed to include a recycling centre to serve the whole development and will make provision for general waste, glass, cans, paper and plastic recycling. A planning condition is recommended to secure the on-going management of this public facility.

### **3.0 Relevant Planning Policy**

The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals is set out at **Appendix 2**.

3.1 The site is allocated for a mixed-use development under Policy MSA18 which supports:

- i. Employment uses (B1 and B2) to include maritime-based research and development and light industrial uses that require access to the waterfront in the vicinity of the existing deep water quay;
- ii. Residential development to include a range of housing types;
- iii. Local leisure and community uses; and
- iv. A high quality, publicly accessible, waterfront including areas of green open space

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

#### **4.0 Relevant Planning History**

The site’s relevant planning history is detailed at **Appendix 3**.

#### **5.0 Consultation Responses and Notification Representations**

In line with the Council’s requirements for major development the applicants undertook a two day local consultation event on 6-7<sup>th</sup> February 2012 to which some 200 people attended. Comments received have influenced the scheme. As part of the pre-application discussions the applicants also presented their scheme on an informal basis to the Planning & Rights of Way Panel on 14<sup>th</sup> February 2012. The applicants attend the Woolston Traders Association meetings. Updates of the highways programme are provided locally through leaflet drops. Three notice boards have been installed close to the site, and a quarterly newsletter for residents of the development is distributed.

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (03.05.12 – ES Development & Major – and 07.06.2012 – Development Plan Departure) and erecting a site notice (26.04.12 – ES Development – and 31.05.2012 – Development Plan Departure). At the time of writing the report **2 representations** has been received from surrounding residents.

5.2 The planning related issues raised and addressed in the Planning Considerations of this report include:

- 5.3
- The proposals (including tall buildings) are out of character with Woolston;
  - The proposed density is far too great;
  - Woolston lacks the infrastructure to deal with this level of development;
  - The development fails to open up views of the river from Victoria Road;
  - The footpaths (as built) are a disgrace and the roads are filled with children playing – an ‘accident waiting to happen’;
  - There is no justification for a second supermarket in Woolston
  - The Council acted unlawfully in allowing the outline planning permission and, as such, this application is also unlawful.

#### 5.4 Response

*With regards to the last point the Council maintains that it appropriately dealt with the outline planning application in accordance with the regulations and procedures that were applicable at that time. This Council’s Solicitor has also dealt with this accusation through the Council’s formal complaints procedure. It is our opinion that the Council is free to determine this fully detailed application, and any subsequent application for associated reserved matters. As the current submission has been submitted as a fully detailed application (rather than a submission seeking approval of ‘reserved matters’ of the outline permission as was the case with Phase 2) this criticism has no foundation.*

5.5 **Ward Cllr Williams** – requests a Panel decision on this application

5.6 **Woolston Community Association (Development)** - The WCA has no



comments to make about Phase 3. They were willing to canvas local opinion about the quality of the superstore most desired by the area, but have been regularly advised that the matter is settled but the operator cannot be revealed.

- 5.7 **City of Southampton Society** – No objection raised but would suggest the inclusion of a quay or jetty to provide for a river crossing. When possible the long distance footpath should be diverted from Victoria Road to the waterside.
- 5.8 Response  
*The water taxi jetty is a requirement of the overall scheme when Blocks P3 and L adjacent to the proposed Marine Employment Quarter are delivered.*
- 5.9 **Hampshire Chamber of Commerce** – Support – Phase 3 will continue to regenerate Woolston and provide much needed affordable housing. The foodstore should provide additional footfall to the existing District Centre. Its new location is welcomed. It is essential that the momentum is retained. Retail units and restaurants in the square will add to the liveliness and success of Centenary Quay.
- 5.10 Consultee Comments  
**SCC Highways** – No objections raised to either the proposed means of access, servicing, or the proposed level of parking and its proposed layout. The proposal is now providing a supermarket which has been moved from phase 2 to phase 3. Whilst it is appreciated that traffic numbers remain virtually unchanged, the relocation of the food store has resulted in the need to rethink the current junction design in John Thornycroft Road; this is due to the introduction of additional traffic through the existing priority ‘T’ style junction, which in design terms would not cope with the increased traffic movements associated with the food store (as designed for the outline masterplan) creating a highway hazard due to long queues and risk to highway safety. Instead, a 3 armed roundabout has now been incorporated into the scheme which should cope far better with the larger numbers of turning vehicles. Its capacity is such that it can cope with higher volumes of traffic generally, and should be operating well below capacity at most times. Pedestrian facilities have been incorporated into the design to ensure that pedestrians are comfortable with their route through the junction.
- 5.11 The management suite needs windows which overlook the car park entrance/exit and barriers. There will need to be a single dropped kerb adjacent to all refuse collection points to allow for easy movement of euro bins. The supermarket will need to provide shower/locker/change/cycle storage facilities for their staff.
- 5.12 *Note: These detailed matters have been addressed through either the submission of amended plans or the attached planning conditions.*
- 5.13 **SCC City Design** – No objections raised. The detailed comments attached at **Appendix 4** have been addressed through the submission of amended plans.
- 5.14 **SCC Urban Design (Landscape)** - There are not too many issues with the proposals. The most important issue relates to the paving material. The bound gravel surfacing proposed for much of the site is only suitable if there are no services in the ground beneath. It would be better if there was a greater use of natural stone for the key areas. Although it is initially expensive its very long life makes it cost effective on a ‘whole life’ costing basis. Some plant species need

further thought and the irrigation of planting above the basement will require further detail.

- 5.15 *Note: The concerns raised can be addressed by the attached landscape planning condition.*
- 5.16 **SCC Architect's Panel** – In overall terms form, scale and composition are supported. A thorough planning submission.
- 5.17 **SCC Housing** – This full application for phase 3 needs to be referenced to the terms of the 'hybrid' s106 agreement covering all phases of the redevelopment, where 25% affordable housing has been agreed across the whole site rather than on a phase by phase basis. The proposed affordable housing provision of 72 units (all low cost home ownership) on this phase is therefore acceptable, and is supported by the Housing Development & Strategy Team.
- 5.18 **SCC Sustainability Team** – Phase 3 is on target to achieve Code Level 4 on the residential elements. The non-residential elements have been designed to achieve BREEAM 'Very Good'. In accordance with Core Strategy policy CS20, they should be achieving BREEAM 'Excellent'. Therefore this is not in accordance with policy and the Sustainability Officer **objects** to this.

*Note: Since the objection was lodged the applicants have provided further justification as to why an 'Excellent' BREEAM pre-assessment for the foodstore would jeopardise the scheme. A 59% rating can be achieved which is short of the 70% required to achieve an 'Excellent' rating. This report argues that the net benefits of the scheme outweigh the Policy CS20 requirement in this instance.*

- 5.19 **SCC Archaeology** - Previous archaeological evaluation work on the site revealed number of Victorian barges in the area. These remain in-situ and will need to be fully excavated and removed prior to work commencing. Due to the archaeological potential of the site, a programme of archaeological work will be required in advance of the development and planning conditions are recommended.
- 5.20 **SCC Training & Employment** – No objection subject to a training, employment and skills obligation being added to the S.106.
- 5.21 **SCC Ecologist** – No objection raised. The existing site is currently of limited biodiversity value. The loss of the existing habitat is likely to be mitigated by the provision of landscaping and open space which includes a good range of biodiversity measures. In particular, a number of green roofs are provided within the scheme, which include both biodiverse and more formal designs. The key to ensuring that the effective mitigation is delivered is to incorporate appropriate species within the detailed landscape plans. It is noted in the Ecological Note that of a proportion of the dry maritime grassland habitat on the green roofs, previously approved under the outline consent, will be replaced with biodiverse roof terrace. This is acceptable however, it will be important for the roof terraces to be managed appropriately to ensure that their biodiversity value is not eroded by inappropriate planting.
- 5.22 The application site lies close to, although not adjacent to, a section of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Atlantic salmon, a secondary interest feature of the River Itchen Special Area of

Conservation (SAC), also pass close to the site. A section of the Lee-on-the-Solent Site of Special Scientific Interest shares a boundary with the Solent and Southampton Water SPA. An Appropriate Assessment (AA) undertaken in connection with the initial planning application, 08/00389/OUT, identified a number of potential impacts, arising from development of the wider site which could adversely affect features of interest of the designated sites.

- 5.23 The Ecological Note, which updates earlier ecological appraisals, identified two potential impacts that could occur as a consequence of implementing Phase 3 of the Centenary Quay development, these are as follows:
- Changes in water quality or surface sediments due to discharges from the site; and
  - Increased movement and general background noise of men and machinery during the construction phase.
- 5.24 Two further potential impacts should be added, these are:
- consideration of potential impacts if percussive piling is employed; and
  - the effects of disturbance arising from increased recreational activity on the Solent coast and New Forest,
- These two impacts were both highlighted in assessments of earlier phases.
- 5.25 The AA concluded that the above impacts could be adequately mitigated thus avoiding any likely significant effects. Mitigation measures for previous phases have been included in the following documents:
- The Construction Environmental Management Plan
  - The Biodiversity Mitigation and Enhancement Plan and
  - The Landscape Strategy
- 5.26 These documents will need to be updated with relevant measures for phase 3. Mitigation measures required by the Appropriate Assessment include:
- Piling methodologies and a mitigation plan to prevent disturbance to salmon if percussive piling is to be employed with 75m m of the river edge.
  - Screening of construction works.
  - Pollution control measures, including proposals for monitoring during and post construction, and details of emergency remediation measures if acceptable biological limits are breached.
  - Waist high screening to mitigate visual disturbance to SPA interests
  - Information for new residents about the ecology of the local area and the locations of nearby natural green spaces.
- 5.27 Provided the mitigation measures listed above are implemented effectively the proposed development is unlikely to have any adverse effects on the nearby statutory nature conservation sites. The biodiverse green roofs, roof gardens and wider landscaping will provide significant biodiversity enhancement on what is currently a relatively degraded site.
- 5.28 **Hampshire Constabulary (HC)** - Based on the Phase 1 and 2 works, HC anticipate the developer will be applying for the Police Secured by Design award for this phase which will enable HC to ensure physical security measures are met for the apartments. In general terms HC are satisfied with the design of this development but as is often the case the devil is in the detail and therefore there are a few issues HC would like addressed.

- 5.29 • The main issue is the paramount need to separate the public areas from the private residential areas. In the main this is easily achieved by means of access controlled residential entrances but HC have concerns that this has not been satisfactorily achieved in the shared car park. There appears to be standard car park barriers at the entrance and exit to the residential parking area and this is not acceptable in terms of overall security. Not only should unauthorised vehicles be prevented from accessing this area but it must also prevent unauthorised pedestrians from gaining entry. This is not only to protect the vehicles but also potential access to the apartments via stair/lift cores. HC would ask that the applicant installs appropriate full height fencing and access controlled gates at these points and HC are happy to advise further on this.
- 5.30 • HC are not sure that separation has been achieved in the stair core (car park/resi podium escape) (A-B 11-12 on the drawings), which has an inward opening door and a half at public car park level 01. This access door appears to allow the public to reach both the residential apartments above and the residential car park below. Can this be clarified please?
- 5.31 • Design of the 2 car parks should also be in accordance with the Police 'Park Mark' award, details of which can be found at [www.parkmark.co.uk](http://www.parkmark.co.uk). This is a proven formula for achieving a safer parking facility for both vehicles and users.
- 5.32 • There is mention in the D & A Statement of access to the residential garden "via a gated access from the stepped terraced gardens from the waterfront and river walk". HC are unsure how this is achieved as they cannot see the gate they refer to, again HC point out the importance of access control to private spaces. Can this be clarified please?
- 5.33 • The design of and the materials used for any public art, street furniture or other hard landscaping must take into account the need to be fixed fittings, vandal resistant and 'unattractive' to other users e.g. rough sleepers, skate boarders, etc. It is also vitally important that the location of trees, lighting columns, the proposed 'Jumbrellas' and CCTV cameras are coordinated in order to avoid conflict. I am happy to advise further when more detail is known.
- 5.34 *Note: These comments have been forwarded to the applicants and amended plans have been received. Further details of the means of securing access points and separating the public and private areas of the car park can be secured by the suggested planning conditions relating to the car park design and landscaping. Hampshire Constabulary have confirmed no objection.*
- 5.35 **BAA** – No objection raised subject to the attached planning conditions and informatives relating to cranes and bird hazard management plans.
- 5.36 **Natural England** – An Assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and Advice under S281 of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) has been undertaken. It is Natural England's advice that the adjacent SSSI/SPA/Ramsar site is unlikely to be significantly affected by the proposals, either alone or in combination with other plans or projects, subject to the

mitigation measures set out in the Appropriate Assessment and Environmental Statement being delivered as appropriate for this particular phase of the development.

- 5.37 **Southern Water** – No objection raised subject to the attached planning conditions and informatives relating to foul and surface water.
- 5.38 **Environment Agency** - We have reservations in relation to the immediate impacts of the development on the environment, due to a change in circumstance since the outline application was submitted and approved. Essential improvements at Woolston Waste Water Treatment Works (WWTW), in order to accommodate the development, have not as yet been approved by OFWAT for funding within Southern Water's current business plan. The consequence of this is that the required improvements will not be made within the life time of the outline application or in order to meet statutory deadlines dictated by environmental legislation, relating to designations in controlled water adjacent to the site and into which Woolston discharges. Woolston WWTW has already begun to fail discharge consent limits and as a result the Environment Agency has brought a successful prosecution of Southern Water. The Environment Agency can only conclude that any further development will exacerbate treatment failure and lead to further environment damage. The EA strongly recommend that Southampton City Council, the Developer and Southern Water work together to ensure OFWAT understand the urgency to fund the newly proposed improvement scheme and also to release land temporarily to Southern Water from the site in order to hasten delivery of the improvement works. The discharges from the site are already thought to be impacting compliance with the Shellfish Waters Directive and will fail to meet the obligations under the Urban Waste Water Treatment Directive, the Habitats Directive, and consequently the Water Framework Directive, within statutory timescales.
- 5.39 Separation of surface water from the foul system as part of the development, wherever possible, will help to limit the impact of the development on the failing works. We wish our previous recommended condition(s) and comments detailed within (HA/2008/103565/01) to be carried forward to this application. We would like to bring your attention condition 76 of the original outline application ref: "08/00389/OUT/198" in relation to surface water drainage.
- 5.40 This condition recommended that:  
*'Prior to commencement of each phase of development, as approved by Condition 4 above, details of surface water drainage should be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate appropriate drainage control using foul sewers for very high risk areas, Oil separators for high risk areas and trapped gulley's for lower risk areas. Consideration should also be given to the use of sustainable urban drainage systems (SUDS) where appropriate, including a feasibility study demonstrating an assessment of the potential for the creation of an integrated sustainable drainage system for each phase of the development, which shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of each phase of the development hereby granted consent. **A sustainable drainage system to the approved specification shall be installed and rendered fully operational prior to the first occupation of each phase of the development hereby granted consent and retained and maintained thereafter.** Details of drainage options are contained in our Pollution Prevention Guidelines. The development of*

*each phase shall be implemented in accordance with the approved details’.*

5.41 In particular, we would like to bring your attention to the part highlighted in bold, and remind the LPA that an approved sustainable drainage system needs to be in place prior to the first occupation of each phase of the development. No such details have been submitted with this part of the reserved matters application.

5.42 *Note: Due to the significant basement proposed for Phase 3 the only place for SUDS will be as part of the green roof strategy employed across this phase. With regard to the substantive point regarding capacity of the treatment works the fallback position of the outline planning permission, and the delivery of its 1620 homes, is a significant material planning consideration. A planning refusal of Phase 3 based on capacity issues would not prevent the consented homes from being implemented*

## **6.0 Planning Consideration Key Issues**

The key issues for consideration in the determination of this planning application are:

1. The principle of development;
2. Retail Impact
3. Residential density and the subsequent quality of the environment created;
4. The principle of tall buildings;
5. The design approach and its impact on the established character;
6. The impact of the development on existing local/residential amenity;
7. Assessment of the type of proposed accommodation;
8. Highway related issues including the proposed access, parking and servicing;
9. The Appropriate Assessment and Habitat Regulations (1994);
10. Off-site mitigation and the requirement for a S.106 Legal Agreement.

### **6.1 1. Principle of Development**

Outline planning permission 08/00389/OUT establishes the principle of redevelopment for the entire site and the quantum of development listed, and was found to be in accordance with the Local Plan allocation Policy MSA18. An indicative phasing plan was also consented, which included a foodstore within Phase 2 and a library and day nursery within Phases 3 and 4. The proposed change to the order of delivery to these uses will maintain footfall within Victoria Road and retains the agreed scale of development previously approved. Both of which will assist in the vitality and viability of Woolston. In short, the approved uses are maintained and, whilst the order in which they are delivered will change, the application complies with the outline permission and the site’s allocation for a major mixed-use development that makes best use of this previously developed site.

6.1.1 Whilst the reservations of the Environment Agency (EA) regarding the capacity of the nearby sewage treatment works are noted they should be read in the context of the outline permission. As a total of 1620 homes could be delivered under this extant permission through the submission of reserved matters applications it is considered that further development up to this maximum should be viewed as acceptable in principle. The EA raised no objection at the outline stage and work is ongoing with Southern Water to resolve their current issues at their site.

6.1.2 The provision of public access to a high quality riverside area with improvements

to local leisure and community uses also accords with the site specific Policy MSA18. The proposed public squares provide a suitable focus for the new development, as well as the district centre, by extending the existing Victoria Road “high street” into the proposed development. As such, the application seeks to create a distinctive place as envisaged by the masterplan and is supported in principle.

## 6.2 2. Retail Impact

Core Strategy Policy CS3 states that the Woolston District Centre (LPR RE15) has an important role in providing shops and local services in safe, accessible locations, and that the Centenary Quay redevelopment must compliment and enhance the centre (situated immediately adjoining the District Centre boundary). Phase 3 as proposed would contribute to these objectives subject to appropriate controls.

6.2.1 Since granting the outline permission, Policy CS3 has superseded Policy RE1. However, the assessment of retail proposals outside existing shopping areas is broadly the same as before. Namely, retail and other centre uses should be focussed on the hierarchy of centres with a sequential approach and should not create an unacceptable retail impact on centres. The new NPPF supersedes PPS6, but follows the same principle (NPPF Paragraph 24 refers).

6.2.2 The outline permission has, in principle, accepted the retail impact on the existing Woolston Centre from the new supermarket and other commercial uses as they were sited immediately adjacent to the centre. The original location of the supermarket was accepted due to the benefits of clawing back local shoppers from using supermarkets outside the city, and also drawing visitors through the existing centre when using the supermarket.

### 6.2.3 *Sequential approach*

It is considered that the new position (within Phase 3 rather than Phase 2) could enable a better integration of the community uses to the High Street and so this new position is broadly acceptable. It should also be noted that the previous site has been marketed to operators with no success. As such it has been satisfactorily demonstrated there are no areas within the site closer to the centre that, in terms of the sequential approach, are suitable and viable. The new position maintains an opportunity to provide new and linked trips out of, and through, the development together with active frontages and a good quality route, which are to be welcomed, promoting the integration of the redevelopment with the existing centre.

### 6.2.4 *Retail Impact*

The proposed superstore is virtually the same as the one previously permitted (the net sales area is 126 sq. m or 4% greater). The position of the store has moved from immediately adjacent to the centre to about 275 metres away. This is still classified as an ‘edge of centre’ location, particularly given the good quality pedestrian links to be created to the centre. The applicant has undertaken a revised retail impact assessment, in the light of the latest data. Taking into account all these factors it is considered that the retail impact remains broadly as before.

6.2.5 The new store will ‘claw back’ significant amounts of trade from the large out of centre stores, such as Tescos at Bursledon. This will reduce the need to travel

which is a substantial benefit, and it will also bring trade back to the vicinity of the centre with likely positive benefits for the centre. Although the store is now located slightly further from the centre, some people using it will go on and use shops in the centre (or stop off as they drive through). The relocation of the library to be adjacent to the centre and the additional people living and working in or visiting the wider Centenary Quay scheme, and the general confidence the regeneration scheme will bring, will also benefit the centre.

- 6.2.6 However it is likely that there will also be an impact on some of the stores in Woolston. This is against the context of the centre's health being fairly poor relative to other district centres in the city. Stores selling food include the main Co-op, secondary Co-op, newsagent, fruit and veg store, off licence, and Polish store. The retail assessment predicts a 17% impact on the main Co-op, which is currently overtrading. There is also likely to be an impact to varying degrees on the other stores. A number of these retailers are likely to trade effectively in a niche or top-up-role. Nevertheless the centre is likely to go through a significant period of transition and adjustment, particularly given the relatively poor health of the centre.
- 6.2.7 Given the benefits, and the potential for the centre to adjust (albeit over time), the principle of the store is supported. However it is important to manage and control the risks, particularly given the likely impacts and as the store is now located slightly further away. Conditions are suggested to minimise the scope of the impact and actively encourage linked trips. These conditions are designed to limit the scale of non food goods to 450sq.m (as per the outline planning permission), restrict a significant element of open A1 (retail), secure a car park management plan to encourage 'dwell time' and are imposed in addition to the Victoria Road street scene improvements that are to be secured through the S.106.
- 6.2.8 The scheme also includes 1,368 sq m of other retail units. Again to protect the centre, particularly in a time of transition, these should be restricted to A3/A4 uses (or marine/yacht goods sales) to avoid the risk that A1 retail units will migrate out from the centre, and to direct any additional retail demand into the centre, again to enhance the potential for linked trips.
- 6.2.9 Given the regeneration opportunities on this site, the size of premises required, the proximity to Woolston District Centre, the principle of development already accepted in the Core Strategy for this edge of centre site, and the assessments in relation to the principle of additional retailing it is considered that the proposals will strike the right balance between securing the vitality and viability of Woolston whilst promoting a successful flagship development.
- 6.2.10 As with the outline application (LPA: 08/00389/OUT refers) the provision of a foodstore as part of this mixed use development represents a departure from the site's allocation under Policy MSA18 and has been advertised accordingly. Whilst an assessment of the foodstore's impact has been undertaken the scheme will again need to be referred to The National Planning Casework Unit in accordance with Circular 02/2009 Town and Country Planning (Consultation) (England) Direction (2009) as the proposed foodstore exceeds the threshold limit of 5,000sq.m (gross). Planning permission cannot be issued until a response has been received.



6.3 3. Residential Density and the Subsequent Quality of the Environment Created

The approved Woolston Riverside Planning Brief and Illustrative Masterplan (2004) states that ‘the overall density of accommodation which the Masterplan supports would be in the order of 150-200 dwellings per hectare’. Phase 3, as proposed, would generate 329 residential units at a density of 123 dwellings per hectare (dph). A density of some 174 dph is proposed for the redevelopment proposals as a whole. The proposed density is short of the Masterplan’s requirements but acceptable nevertheless as it also complies with the requirements of Core Strategy Policy CS5 (Housing Density).

6.4 4. The Principle of Tall Buildings

Adopted Local Plan Policy SDP9 (Scale, Massing and Appearance) defines a tall building as having 5 or more storeys of accommodation. It states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions, ‘gateway’ locations, adjoining the city centre parks and on “major” sites.

6.4.1 The application proposes the following building heights:

Block K2/K4/K5	7/9/12 storeys above basement – 46.66m (AOD)
Block K3	6 storeys above basement – 28.5m (AOD)
Block J2/J3 (inc. foodstore)	7/8 storeys above basement – 34.84m (AOD)
Block J5/J6	8 storeys above basement – 31.99m (AOD)

6.4.2 The details of the proposal have also been assessed against Policy SDP9 and the guidance contained within the joint document prepared by English Heritage and the Commission for Architecture and the Built Environment (CABE), entitled “Tall Buildings” (2007). The application proposals are consistent with these requirements and it should also be noted that the principle of tall buildings was accepted at the outline planning stage. Furthermore, BAA has raised no objection to the proposed building heights within the flight path of Southampton Airport.

6.5 5. The Design Approach and its Impact on the Established Character

The current application builds on the Woolston Riverside Planning Brief and Illustrative Master-plan (2004) and the outline planning permission 08/00389/OUT for this site.

6.5.1 Phase 3 as now proposed broadly follows the consented layout, with amendments following the introduction of the foodstore and its servicing requirements into this later phase. Phase 3 incorporates the previously indicative phases 4 and (part of) 5 with the omission of the first tower (Block J1) and Block K1. It makes use of the change in level across this part of the site by forming a car park beneath the level of John Thornycroft Road which is then accessed from beneath Block K2. The maximum building height proposed is below that agreed at the outline stage as described in detail within the City Design Manager’s comments at **Appendix 4**. In terms of microclimate, the applicants have tested their proposals and the design incorporates mitigation, in the form of strategic tree planting, building canopies and the sensitive location of building entrances to ensure that the experience for the pedestrian is as attractive as possible given the potential for wind caused by the these tall building proposals within a marine environment.

6.5.2 The introduction of the foodstore into this later phase works successfully by wrapping it with residential development and the amenity deck serving Blocks

J2/J3/J4/J5/J6. The main service yard is screened by a green wall and accessed from the main John Thornycroft spine road. Trolley bays have been provided within the car park and adjacent to the proposed drop off zones, but are screened from view at upper square level to lessen their impact on the streetscene.

- 6.5.3 A contemporary design solution with a modern palette of building materials is proposed for all blocks, which is consistent with the agreed Design Code for the site and the agreed details for Phases 1 and 2. The scheme introduces colour and vibrancy with a good use of brick, and the built form creates interest through the use of curved buildings framing the public squares. The design is accompanied by the applicant's Public Art Strategy, which explains how public art will be used to reference the site's recent links with Vospers and boatbuilding.
- 6.5.4 Phase 3 includes the main civic square comprising two parts; an upper oval connected to the riverside "Centenary Square". The layout allows permeability across and through the site. Buildings provide active frontages with good natural surveillance and principal elevations fronting onto the street. The upper square, which is approximately 40 metres wide by 60 metres long, is framed by commercial uses at ground floor level with residential above. The lower square is a shared space that provides pedestrian access into the river inlet. Steps with a cycle gutter link the two squares.
- 6.5.5 As the first tower (Block J1) does not form part of Phase 3 the applicants propose to create temporary waterside access for the public. This is particularly welcomed and finally reintroduces this part of Woolston to a publically available waterfront.
- 6.5.6 In terms of the scheme's sustainable credentials Members will note that Centenary Quay is served by a site-wide community heating system and will achieve Code for Sustainable Homes Level 4 for its energy use. The scheme will, therefore, meet the requirements imposed at the outline stage by condition 79. Flat roofs that are not set aside for garden space will be provided as a biodiverse 'green' roof. That said, whilst a 'Very Good' rating is possible, the foodstore fails to achieve the 'Excellent' BREEAM requirement of Core Strategy Policy CS20. Whilst an objection from SCC Sustainability Officer has been lodged to this shortfall it should be noted that the outline permission set 'Very Good' as the benchmark for the foodstore and the development accords with this overall masterplan. An insistence of 'Excellent' BREEAM is reported by the applicants to harm the scheme's viability. The Council sees sustainable development as a key priority but in this instance, considering the other benefits to the community from the development, it is considered that BREEAM 'very good' can be accepted.
- 6.5.7 The proposed layout has taken account of the requirement under the Disability and Discrimination Act to have due regard to issues of eliminating discrimination whilst promoting equality for those with disabilities. A 24hr publically available lift links the two civic squares and all apartments are served by a lift access.
- 6.5.8 The detailed design for Phase 3 is of a high standard consistent with the agreed Design Code, and compliant with the aims and aspirations of the current development plan's design policies. It has the support of the City Design Manager and the local architect's panel.
- 6.6 6. The Impact of the Development on Existing Local/Residential Amenity  
Phase 3 is wholly enclosed by the wider Centenary Quay development site. As

such, its impact on existing residential amenity is negligible, although the residents within the Phase 1 apartment block (B4/B5/B6/B7/C4/C5/C6) will now have an outlook towards the proposal, and particularly the foodstore service yard. The service yard access gate will be controlled with acoustic louvers but has a height (including the louvre) of some 7 metres. This is perhaps the key weakness of the whole scheme but is a requirement of the foodstore operator and their servicing requirements. Its impact is lessened by the green wall and the use of a powder coated treatment to match the fenestration of the scheme makes its inclusion acceptable.

6.6.1 The amenity and privacy of these nearest neighbours is retained due to the separation across the John Thornycroft spine road. No objections to these detailed proposals have been received from the site's nearest neighbours. The application accords with the adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.

6.7 7. Assessment of the Type of Proposed Accommodation

The scheme is considered to achieve a high quality living environment with a good mix of accommodation on offer, with all but 5 no.1 bed apartments having access to either a private balcony and/or the communal roof terraces. This is acceptable given the likely single occupancy of these affected units. Flats with a single northerly aspect have been limited to Blocks J2, J5 and J6 with the majority elsewhere enjoying dual aspect, a riverside view or an outlook across the upper square. Obscured glazing and the use of off-set oriel windows are used in those locations where window to window distances would otherwise afford direct inter-looking, for instance at the ends of the curved blocks fronting the upper square.

6.8 8. Highways Related Issues including Access, Parking and Servicing

The application proposal is supported by a detailed Transport Assessment that has been considered by the Council's Highways Department. It recognises that a development of the scale proposed will have an impact on the existing highway network and that a difficult balance needs to be found between providing sufficient on-site car parking to satisfy the demands of the development, whilst ensuring that such provision does not lead to detrimental numbers of car based trips that result in additional congestion. Adopted Core Strategy Policy CS18 seeks to ensure that a safe and satisfactory access to new development is deliverable, and that the existing highway network has capacity to accommodate future growth. This was considered acceptable at the outline application stage. The key change for consideration involves the relocation of the foodstore and the intensive nature of the trips that this use will now attract to Phase 3. In order to accommodate this change it is proposed to introduce a new roundabout at the junction of the spur road serving the Marine Employment Quarter with the John Thornycroft spine road. This improves capacity and has been assessed by the Council's Highways Officer as acceptable.

6.8.1 Car parking is a key determinant in the choice of mode of travel, as is the availability of a good public transport and provision for pedestrians and cyclists. The residential development will be served by on-site parking in line with the limits set by the outline permission (condition 56 refers). This equates to 0.84 spaces per 1 bed unit and 1 space per 2/3 bed units. Additional parking for 12 vehicles is also proposed to accommodate an existing overspill from Phase 1 that is currently provided for on John Thornycroft Road.

- 6.8.2 80 parking spaces are also included to serve the community uses (including the library and day nursery) as well as the development as a destination. The foodstore is served by 233 parking spaces. At the time of writing the applicants propose to offer a minimum period of 2 hours for the public without charge and a maximum stay of 5 hours to prevent commuter parking. A charging regime for the final three hours has yet to be agreed. No staff parking is proposed. Parking management and pricing will be agreed with the attached planning conditions.
- 6.8.3 Secure cycle parking is provided for 375 cycles in locations that are pepper-potted across the phase and located conveniently to each residential core or within the basement car park. A further 98 spaces are to be provided to meet the needs of visitors to the development.
- 6.8.4 The proposed changes to the highway network follow the requirements of the Council's Highway Officer and are, therefore, considered to meet the requirements of Core Strategy Policy CS18 as supported by Part 5 of the Council's approved Residential Design Guide (2006).
- 6.9 9. The Appropriate Assessment and Habitat Regulations (1994)  
The Conservation (Natural Habitats etc.) Regulations 1994 state that planning permission should not be granted unless it has been demonstrated that:
- there will be no effects that would prevent the nature conservation objectives for internationally protected sites from being achieved; or,
  - that such effects can be resolved by the imposition of conditions or obligations.
- 6.9.1 The Council is responsible for making such assessments. If the above criteria cannot be met then the application has to be referred to the Secretary of State to give the opportunity for a call-in.
- 6.9.2 An "Appropriate Assessment" (AA), as required by the Habitat Regulations, has been carried out by officers and approved by the Council as part of its consideration of the outline permission. Phase 3 is accompanied by an update to this AA which has been assessed by the Council's Ecologist and Natural England as acceptable. The provision of public waterside access as part of Phase 3 is welcomed, although (as with the outline permission) conditions are again recommended to protect these internationally important waters from noise, disturbance and light pollution (both during and following the construction phase).
- 6.10 10. Off-site Mitigation and the Requirement for a S.106 Legal Agreement  
The application needs to address and mitigate against the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPG, caused by the development. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application (and secured through the outline planning permission process) as detailed at the head of this report. These require triggers and detailed clauses, which are the subject of on-going discussions with the applicant although the broad terms have been agreed as part of SEEDA's outline planning permission.
- 6.10.1 As part of the agreed S.106 for the development the developer has already made

a series of contributions towards a raft of off-site measures. These payments were made ahead of the triggers set out in the S.106 associated with permission 08/00389/OUT, and include a contribution towards the existing District Centre to ensure that additional public realm improvements are realised within the existing centre. Nevertheless, a S.106 is again required (albeit a Deed of Variation of the original agreement should suffice) to update the outline permission and the outstanding payments required to ensure that the development continues to mitigate against its direct impacts. As part of this discussion the Council's Property and Library Services have suggested that they no longer wish to be responsible for a public toilet. Instead, this facility will be provided within the foodstore as part of Phase 3.

## **7.0 Summary**

The above report sets out the issues that should form the basis to the consideration of this planning application. The scheme has been assessed in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The current proposal has been assessed as being consistent with adopted Local Plan Policy MSA18, and is also considered to meet the broad aims of other local and national planning guidance, despite amending the phasing of delivery to the foodstore, and will facilitate the continued delivery of this exciting project. The application site benefits from outline planning permission for a similar scheme. Perhaps, most importantly, the current scheme is deliverable in the current economic climate.

7.1 It is considered that the application accords with the concepts established in the approved Woolston Riverside Planning Brief and Illustrative Master-plan (2004). The opportunity for public involvement in the local plan exercise, the consultations on the Masterplan, the public exhibitions and meetings held by the applicant prior to the application being submitted, the notification undertaken in connection with the SEEDA scheme and the statutory consultation and publicity for the current planning application have been extensive.

7.2 The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including 72 affordable flats), community facilities and the creation of a distinctive place with improved access to the river are material to this recommendation. The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Safeguards are built into the recommendations to ensure that planning conditions and obligations in a S.106 legal agreement address those aspects of the development that may otherwise cause harm. For instance, appropriate conditions are in place to secure the vitality and viability of the existing District Centre. The objection to the foodstore not achieving an 'Excellent' BREEAM pre-assessment has been weighed against the other net benefits of the proposals, and in light of the outline permission a 'Very Good' BREEAM is deemed to be acceptable in this instance. Taking all of these matters into account the development proposals are

acceptable. Planning permission should be granted subject to the matters set out in the recommendations.

## **8.0 Conclusion**

The application for Phase 3 is recommended for conditional planning approval subject to the details of this report.

### **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1a-d, 2b-d, 4b, f, k, l, u, vv, 6a, c, d, f, h, l, 7a, 8a, l, j and 9a-b

### **SH2 for 24/07/2012 PROW Panel**

### **PLANNING CONDITIONS to include:**

#### **1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **2. APPROVAL CONDITION – Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority including:

Shopfront Design & Signage Strategy as set out in the Design & Access Statement

Biodiversity By Design Ecological Report (2012)

BMT Fluid Mechanics Ltd Wind Microclimate Study (9<sup>th</sup> February 2012)

REASON

To define the consent and for the avoidance of doubt.

#### **3. APPROVAL CONDITION - Construction & Delivery Hours**

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, the construction of the new River Edge, and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday

08.00 hours to 18.00 hours

Saturdays

09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

All deliveries to and distribution from the site relating to the construction of the development hereby granted and any associated demolition works, including the removal or importation of ground materials to re-grade the levels of the site and ground

preparation, the materials for the construction of the approved River Edge and the provision of constructional materials shall only take place between the hours of:

A - for road traffic delivery/dispatch movements

Monday to Friday

08.00 hours to 18.00 hours

Saturdays

09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

REASON:

To protect the amenities of adjoining properties during the construction period.

#### **4. APPROVAL CONDITION – Piling Method**

Prior to the commencement of development (excluding any construction site set-up works) the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development. No development within the relevant phase shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

A “Foundation Works Risk Assessment Report” shall be submitted to the Local Planning Authority for their written approval prior to the commencement of any impact or percussion piling or foundation design using penetrative methods. This report shall include consideration of noise and vibration impact and mitigation. The piling shall then be carried out in accordance with the approved methods in the report.

REASON:

To satisfy the requirements of the Council’s Environmental Health Department, Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause unreasonable pollution, harm or nuisance.

#### **5. APPROVAL CONDITION – CMS & CEMP**

Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority making provision for a “Construction Method Statement” (CMS) for the development. The CMS shall include those mitigation measures as set out in the submitted Environmental Statement (March 2008) as amended (July 2008) and updated by the current submission and shall include details of:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor’s cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;

- h) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- i) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- j) Details of how noise and vibration emanating from the site during construction will be mitigated;
- k) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- l) The methods of supervision to ensure that workers have knowledge of the method statement;
- m) a Construction Environmental Management Plan that sets out procedures to ensure that there are no adverse effects on the integrity of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC). The plan should include details of mitigation including measures to avoid disturbance to waterfowl and migratory salmon, including timetabling works to avoid sensitive periods for such species. The plan shall include monitoring procedures and shall be reviewed and agreed annually with the Local Planning Authority in consultation with Natural England, and more frequently if required, by these parties. Works shall be implemented in accordance with the agreed details and maintained thereafter.

The approved CMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

**REASON:**

In the interest of safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety and to accord with the Environmental Statement and to ensure that the natural conservation interests of the site and surrounds are adequately safeguarded.

**6. APPROVAL CONDITION – Highway Works Strategy**

Before any work to the highway commences the developer shall submit a strategy of highway works to the local planning authority for its agreement in writing in consultation with the highways network management team. This strategy shall include phasing, hoarding, diversion/closing of routes and a timeframe within which these works shall occur and a timetable of regular update meetings to ensure contact is maintained to keep both parties up to date with progress. Once agreed, the works shall proceed within those timescales, unless a variation is agreed in correspondence by all parties.

**REASON:**

To ensure that there is minimum inconvenience to highway users and that the works do not impact upon other local highway work.

**7. APPROVAL CONDITION - Samples of Materials & Coloured Glazing**

No development shall be carried out (excluding any construction site set-up works) as hereby approved unless and until a schedule of materials and final finishes (including full details of the manufacturers, types and colours of the external materials to be used, including all new glazing and stained weatherboarding) to be used for external walls,



fenestration and the roof of the proposed buildings, including samples of the materials required for that phase, has been submitted to and approved in writing by the Local Planning Authority relating to that phase of development. Details of the proposed coloured glazing to the foodstore shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the foodstore. The agreed glazing solution shall be retained as agreed thereafter unless otherwise agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

**REASON:**

To enable the Local Planning Authority to control the development in detail in the interests of visual amenities of the locality and by endeavouring to achieve buildings of visual quality in accordance with Core Strategy Policy CS13.

**8. APPROVAL CONDITION – External Amenity Space Access**

Prior to the first occupation of Blocks J2/J3/J5/J6 further details of a privacy screen to the raised external amenity deck fronting John Thornycroft Road shall be submitted to and approved in writing with the Local Planning Authority. Development will proceed only in accordance with these agreed details.

The external amenity space in the form of decked roof terraces serving each residential block hereby approved, and pedestrian access to it, shall be made available on a block by block basis as a communal area prior to the first occupation of the relevant block and shall be retained with access to it at all times for the use of the flat units.

**REASON:**

To ensure the provision of adequate amenity space in association with the approved flats and to protect the privacy of existing residents in Phase 1.

**9. APPROVAL CONDITION – Obscured Glazing**

Those windows marked on the amended plans as being 'obscured' on the approved amended plans shall be fitted as such and fixed shut prior to the first occupation of the affected apartment. These windows shall be retained as agreed thereafter.

**REASON:**

In the interests of protecting the privacy of prospective residents of the development.

**10. APPROVAL CONDITION – Car Park Ventilation**

Prior to the commencement of development (excluding any construction site set-up works) details of the proposed means of ventilation to that basement car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

**REASON:**

As further details of the car park ventilation louvers are required to serve a significant basement car park and in the interests of visual amenity.

**11. APPROVAL CONDITION – Landscaping**

Notwithstanding the submitted documents and Landscape Strategy (March 2012) and the details for the green wall to the foodstore's service yard as identified below, full details of both hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development (excluding any construction site set-up works). The submitted details shall include:

- a. a response to the Council's Principal Urban Designer's Landscape comments that were received by email on 12<sup>th</sup> June 2012;
- b. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- c. planting plans; written specifications (including subsoil, topsoil, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and test results from soil analysis (both of existing and imported) with a summary of conclusions and recommendations provided at the appropriate time when the material is delivered to site;
- d. Full details of the proposed green wall to the foodstore's service and delivery bay shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the service and delivery bay serving the approved foodstore;
- e. details of any proposed boundary treatment; and
- f. a landscape management scheme.

The agreed hard and soft landscaping works in relation to any phase of development shall be carried out in accordance with the details approved. The approved scheme shall be carried out and completed in accordance with a timetable that shall have been agreed in writing with the Local Planning Authority prior to the commencement of development (excluding any construction site set-up works).

If within a period of five years from the date of completion of the hard and soft landscape works, or any tree or shrub planted in replacement of it, is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

*Note: To meet the requirements of Hampshire Constabulary the design of and the materials used for any public art, street furniture or other hard landscaping must take into account the need to be fixed fittings, vandal resistant and 'unattractive' to other users e.g. rough sleepers, skate boarders, etc. It is important that the location of trees, lighting columns, the proposed 'Jumbrellas' and CCTV cameras are coordinated in order to avoid conflict.*

**12. APPROVAL CONDITION – Inter-tidal Habitat Protection & River Edge**

Prior to the commencement of the temporary river edge work details of the proposed temporary river edge treatment and measures to control and/or mitigate disturbance including human disturbance of the protected intertidal habitats and areas within and in the vicinity of the development, shall be submitted to and approved in writing by the Local Planning Authority. These temporary measures shall include effective means of preventing access to the tidal and proposed inter-tidal areas on the river frontage and a phasing strategy - linked to the delivery of the foodstore - for the delivery of defined public access through the public squares ('Upper' and 'Centenary') to the river's edge. The measures shall also:

- a) Incorporate a waist high barrier (or an alternative equally acceptable solution to be agreed in writing with the Local Planning Authority prior to its installation) to screen pedestrian and dog activity on the riverside walkway to avoid affecting the interest features of the designated sites;
- b) Demonstrate (through measures to be specified) that any external lighting proposed along the river frontage and in public realm open areas that are visible from the River Itchen whether on buildings or otherwise shall have minimal impact on protected species and interest features of the designated site.
- c) Confirm that the River Edge walkway shall not incorporate vehicle access or parking except in accordance with the approved details of servicing and access for the emergency services and refuse vehicles, unless otherwise agreed in writing with the Local Planning Authority. Details of the bollard system to enforce this requirement shall have been submitted to and agreed in writing by the Local Planning Authority prior to its installation and retained thereafter.

The development shall be implemented and monitored in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the submitted Environmental Statement the material used to make the temporary revetments required to stabilise the riverside terraces should be formed from rock only and not site-won material unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the works.

Unless for the purposes of maintenance there shall be no public access to the inter-tidal areas, particularly from the temporary walkway and embayments unless otherwise agreed in writing with the Local Planning Authority.

**REASON:**

In the interests of safety, amenity and the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

**13. APPROVAL CONDITION – Public Realm Management**

Prior to the first occupation of the development a management plan for the landscaping and areas of non-adoptable public realm within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.

**REASON:**

To ensure appropriate areas of open space, and private amenity space are provided and managed.

**14. APPROVAL CONDITION – Detailed Hard Landscape Construction**

Prior to the commencement of development (excluding any construction site set-up works) a detailed hard landscape layout and typical construction details shall be submitted to and approved in writing by the Local Planning Authority. Whilst full working drawings are not expected the details shall include construction and specification details to be applied across the whole development, including those relating to the detailed design of the tree pits in paved areas. The development shall be implemented and maintained in accordance with the approved details.

**REASON:**

To ensure that the quality of the hard and soft landscaping is achieved in order to improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

**15. APPROVAL CONDITION – Lighting Scheme**

Notwithstanding the information already submitted for consideration a detailed lighting plan and strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include light scatter diagrams with relevant contours. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The development of each phase shall be implemented and maintained in accordance with the approved details.

**REASON:**

In the interests of ensuring a good balance is achieved between providing a well lit environment without prejudicing the amenities of residents living within the scheme or the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

**16. APPROVAL CONDITION - Biodiversity Mitigation & Enhancement Plan**

Prior to the commencement of development as hereby approved an ecological assessment and “Biodiversity Mitigation and Enhancement Plan” relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The ecological assessment shall demonstrate that the external materials and the design of buildings and other structures will not adversely affect waterfowl by nature of glare or likelihood of bird strikes. The “Biodiversity Mitigation and Enhancement Plan” shall include demonstration of appropriate consideration and implementation of green and brown roof techniques, in consultation with British Airports Authority, including discussion of the potential for provision of structures for swift, as well as bat roost opportunities, and habitat creation as part of landscaping. Provision for appropriate monitoring and management of measures, including mechanisms for long term management shall be included. Development shall be carried out in accordance with the agreed details.

**REASON:**

To safeguard the ecology & biodiversity of the area and in the interests of nature conservation.

**17. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)**

Development shall not commence (excluding any construction site set-up works) until a Bird Hazard Management Plan (BHMP), in accordance with the response received by the BAA to this application dated 24<sup>th</sup> April 2012, has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport.

**18. APPROVAL CONDITION – A1 Retail Floorspace Restriction**

The "dual A1 (retail) and/or A2 (financial/professional) and/or A3 (restaurant) and/or A4 (restaurant) and/or B1 (office) use" hereby applied for and permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. These non residential units shall not be amalgamated without first obtaining planning permission to do so. Notwithstanding the approved foodstore, the remaining A1 (retail) floorspace to be provided within the site shall be limited in terms of the combined total floorspace of 750sq.m.

Notwithstanding the approved foodstore which can be operated as open A1 (retail), and units RU1 (72sq.m), RU2 (63sq.m) which can be operated as restricted A1 (retail) shall not include a post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers, the remaining A1 (retail) units shall be limited for the sale of goods directly associated with yachting, sailing or boating, or a sandwich bar unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To provide flexibility to the commercial offer whilst ensuring that the retail focus of Woolston District Centre is not diluted by retail use within the site.

**19. APPROVAL CONDITION – A1 (Retail) Hours of Use Restriction**

The A1 retail uses, including the foodstore, hereby permitted shall not operate outside the hours of 07.00 to 24.00 (midnight) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

**20. APPROVAL CONDITION – A3 (Restaurant) Hours of Use Restriction**

The A3 (restaurant) and A4 (bar) uses hereby permitted shall not operate outside the following hours:

Monday to Thursday	07.00 to 23.30 (07.00am to 11.30pm)
Friday and Saturday	07.00 to 00.30 (07.00am to 00.30am)
Sundays and public holidays	08.00 to 23.00 (08.00pm to 11.00pm)

unless otherwise agreed in writing by the Local Planning Authority.

A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

REASON:

In order to control the use in the interests of amenity

**21. APPROVAL CONDITION – External Seating, Canopies & Umbrellas Restriction**

With the exception of those details shown on the approved plans no external seating, retail canopies or umbrellas shall be erected in relation to a non-residential use without the prior

written approval of the Local Planning Authority. Any external seating, canopies or umbrellas shall only be provided in accordance with the agreed specification and locations unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of visual amenity and to protect the residential amenities of prospective residents of the scheme.

**22. APPROVAL CONDITION - Delivery Hours (Non Residential)**

All deliveries and servicing of the non residential uses hereby approved, including the foodstore, shall only take place between the following hours:

Monday to Saturday 07.00 to 23:00 (07.00am to 11:00pm)

Sundays and public holidays 08.00 to 18:00 (08.00am to 06:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interest of the amenity of adjacent and surrounding residential properties.

**23. APPROVAL CONDITION – External Ventilation & Extraction Details**

Details of suitable ventilation, extraction and filtration equipment for the non-residential uses, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit to which the details relate. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

**REASON:**

To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved and to accord with the Environmental Statement.

**24. APPROVAL CONDITION - Changing Facilities (Foodstore)**

Details of changing, washing and shower facilities for the benefit of staff of the foodstore shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the foodstore. The development of the foodstore shall be implemented in accordance with the approved details.

**REASON:**

To encourage cycling as an available alternative sustainable transport and in the interests of hygiene safety.

**25. APPROVAL CONDITION – Active Frontages**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the "dual A1 (retail) and/or A2 (financial/professional) and/or A3 (restaurant) and/or A4 (restaurant) and/or B1 (office) use" hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls) unless otherwise agreed in writing with the Local Planning Authority.

**Reason:**

In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm whilst securing a high quality design solution for these public spaces in accordance with LDF Core Strategy Policy CS13.

## **26. APPROVAL CONDITION – Refuse Management**

Self closing rubbish bins shall be provided for the disposal of putrescible waste in accordance with details that shall have been submitted and agreed prior to the first occupation of the development. The approved details shall include a management strategy for the emptying of the bins on a regular basis to prevent the build up of waste materials across the development and shall be implemented in accordance with the agreed details prior to the occupation of the development.

### **REASON:**

To avoid endangering the safe operation of aircraft through the attraction of birds and in the interests of hygiene

## **27. APPROVAL CONDITION – Recycling Facility**

The on-site recycling facilities for public use as shown on the approved drawings shall be made available to serve the development and a management strategy for the collection of recycled goods shall be implemented in accordance with details to be submitted and agreed prior to the first occupation of the development.

### **REASON:**

In the interests of hygiene and the promotion of recycling as part of a wider sustainability agenda.

## **28. APPROVAL CONDITION – A1 (Foodstore) Floorspace Restriction**

The A1 (foodstore) hereby approved shall be limited to a maximum retailing floorspace of 3,150sq.m (net) and a gross floorarea of no more than 5550sq.m unless otherwise agreed in writing with the Local Planning Authority.

### **REASON:**

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site (away from the defined District Centre).

## **29. APPROVAL CONDITION – A1 (Foodstore) Concessions & Comparison**

The A1 (foodstore) retailing floorspace hereby approved shall not provide more than 450sq.m of comparison goods (excluding health and beauty products), and the store itself shall exclude any non food third party concessions' units such as post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers unless otherwise agreed in writing with the Local Planning Authority.

### **REASON:**

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site (away from the defined District Centre).

## **30. APPROVAL CONDITION - A1 (Foodstore) Subdivision**

The A1 (foodstore) hereby approved shall not be subdivided into individual trading units without the prior written approval of the Local Planning Authority.

### **REASON:**

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site

### **31. APPROVAL CONDITION – A1 (Foodstore) Trolley Management**

Trolleys bays shall be provided as part of the development in accordance with details submitted and hereby approved. A management strategy to ensure that shopping trolleys remain within the site should be submitted in writing to and approved by the Local Planning Authority prior to the first occupation of the A1 foodstore. The A1 foodstore shall operate in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

#### **REASON:**

To ensure that the foodstore is properly planned in the interests of visual amenity and highway safety

### **32. APPROVAL CONDITION - Car Park & Traffic Management Plan**

Prior to the first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Hampshire Constabulary, making provision for a “Car Park and Traffic Management Plan” that shall endeavour to accord with and secure a Police ‘Park Mark’ award. The details shall include the number of spaces per use, “drop off” parking spaces, with short stay/restricted waiting times, and an area for waiting taxis to serve the development of uses hereby approve, access controls and surveillance from the Management Suite, details of their layout (which shall, in the case of the basement car parks, incorporate the subdivision of the car park into defined areas), lighting, pricing (where appropriate), means of security (including the means of separating public and private spaces within the car park and staircores serving all blocks above) and details of CCTV provision as well as details for preventing parking outside of the scheme’s designated parking spaces (including within the “Upper” and “Centenary” squares) and the management of any servicing and/or drop off bays. The development of Phase 3 shall be implemented and monitored in accordance with the approved details and the agreed level of parking shall be made available prior to the first occupation of the development.

#### **REASON:**

In the interests of the safety and security of users and to ensure that the development is served by on-site car parking in line with the adopted parking standards for Centenary Quay as agreed in the outline approval of permission 08/00389/OUT.

### **33. APPROVAL CONDITION – Temporary Car Parks**

Prior to the commencement of development (excluding any construction site set-up works), details of any temporary car parking required shall be agreed. The details shall include the number of spaces per use, access controls, details of the layout (including provision for disabled users), pricing (where appropriate), lighting, landscaping, means of enclosure, means of security and details of CCTV provision, and a phased programme for the removal of the temporary spaces from the development. The temporary car parking shall be implemented (and operated thereafter) in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

#### **REASON:**

To ensure that the scheme provides a suitable level of parking to serve its needs in accordance with the Council’s current standards, that the scheme can be constructed without adverse impact on current occupiers of existing parking spaces and that the temporary spaces are removed to ensure that an over supply does not occur.



#### **34. APPROVAL CONDITION – Residential Parking**

The residential parking shall be provided at a ratio of 0.84 parking spaces per 1 bed dwelling, and 1 parking space shall be provided for each 2, 3 and 4 bed dwelling hereby approved. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority.

##### **REASON:**

To ensure that the scheme provides a suitable level of parking to serve its needs whilst complying with the Council's current maximum parking standards and the spirit of permission 08/00389/OUT.

#### **35. APPROVAL CONDITION – Spine Road Alterations**

The roundabout serving the John Thornycroft spine road and its junction with the access spur serving the basement car park as shown on the approved plans shall be provided prior to the first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

##### **REASON:**

To ensure that the development, and users of it, is served by an appropriate access in the interests of highway safety.

#### **36. APPROVAL CONDITION – Highway Safety Audit**

Any works to the highway required following an independent stage 1 safety audit instructed by the Council shall be agreed and implemented prior to the occupation of the development.

##### **REASON:**

In the interests of highway safety.

#### **37. APPROVAL CONDITION – Cycle Gully Detail**

Details of the cycle gully linking the Upper and Centenary Square shall be submitted to and approved in writing prior to its installation. The agreed details shall be implemented at the same time as steps linking the Upper and Centenary Square.

##### **REASON:**

In order to promote cycling as a sustainable form of transport.

#### **38. APPROVAL CONDITION – Staff, Resident & Visitor Cycle Storage**

The agreed bicycle storage provision for residents and the non-residential uses, including visitor cycle parking shown on the approved plans shall be made available prior to the building to which they relate. The visitor cycle parking shall be provided prior to the foodstore being made available for use by the public. Once provided those facilities shall be retained at all times thereafter for the purposes of parking bicycles.

##### **REASON:**

In order to promote cycling as a sustainable form of transport.

#### **39. APPROVAL CONDITION – Refuse & Waste Management Plan**

The refuse storage hereby approved shall be made available prior to the first occupation of the relevant dwellings. Prior to the commencement of development (excluding any construction site set-up works) details shall be submitted to and approved in writing by the Local Planning Authority for a "Refuse and Waste Management Plan". The details shall include the means and frequency for collection. The development shall be implemented

in accordance with the approved details and the agreed refuse storage shall be made available for each block prior to the first occupation of that block. Refuse bins shall not be left outside of the designated stores except on the day of collection if necessary.

**REASON:**

In the interests of the residential and visual amenity and to ensure that the development is correctly catered for in line with the Council's current waste management standards.

**40. APPROVAL CONDITION – Contaminated Land Assessment (Updated)**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

**REASON:**

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

**41. APPROVAL CONDITION - Unsuspected Contamination**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

**42. APPROVAL CONDITION – Surface Water Drainage**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON:

To protect controlled waters

**43. APPROVAL CONDITION - Use of Uncontaminated Soils and Fill**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

REASON:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development

**44. APPROVAL CONDITION - Groundwater Monitoring**

No development approved by this planning permission shall be commenced (excluding any construction site set-up works) until a scheme for the monitoring of groundwater has been submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON:

To protect controlled waters

**45. APPROVAL CONDITION – Flood Risk Assessment**

The development shall be implemented so as to fully comply with the mitigation strategy detailed within the applicant's Flood Risk Assessment (FRA) (produced by Capita Symonds (dated March 2008)) before any of the development hereby approved can be occupied.

REASON:

To ensure that the site can be developed safely in accordance with the mitigation strategy set out in the FRA.

**46. APPROVAL CONDITION - Surface Water Drainage**

Prior to the commencement of the development (excluding any construction site set-up works) details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate appropriate drainage control using foul sewers for very high risk areas, Oil separators for high risk areas and trapped gulleys for lower risk areas. Consideration should also be given to the use of sustainable urban drainage systems (SUDS) where appropriate, including a feasibility study demonstrating an assessment of the potential for the creation of an integrated sustainable drainage system for each phase of the development, which shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of each phase of

the development hereby granted consent. A sustainable drainage system to the approved specification shall be installed and rendered fully operational prior to the first occupation of each phase of the development hereby granted consent and retained and maintained thereafter. Details of drainage options are contained in our Pollution Prevention Guidelines. The development shall be implemented in accordance with the approved details.

**REASON:**

To (i) ensure that drainage from this development is controlled in a manner to protect the receiving waters from pollution, (ii) to ensure that consideration is given to conserving valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local Plan (2006), (iii) to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006) and, (iv) to prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and to accord with the Environmental Statement.

**47. APPROVAL CONDITION - Foul Drainage**

Construction shall not commence (excluding any construction site set-up works) until details of the proposed means of foul sewerage have been submitted to and approved in writing with the Local Planning Authority. Foul drainage from the development shall connect to the public mains foul sewer unless otherwise agreed in writing with the Local Planning Authority.

**REASON:**

The mains foul water sewer is in close proximity to the site and there is a presumption for connection to this system following further consultation with Southern Water.

**48. APPROVAL CONDITION - Code for Sustainable Homes**

Before the development commences (excluding any construction site set-up works), written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

**REASON:**

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**49. APPROVAL CONDITION - Code for Sustainable Homes**

Within 6 months of any part of each residential block first becoming occupied, written documentary evidence proving that the relevant residential block has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

**REASON:**

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### **50. APPROVAL CONDITION - BREEAM Standards (commercial development)**

Written documentary evidence demonstrating that the commercial units have achieved at minimum an overall rating of 'Very Good' against the BREEAM standard (with 'Excellent' level achieved on the minimum standards for Man01, Man02, Man04, Hea01, Hea04, Ene02, Wat01, Wat02, Mat03, Wst03 and LE03 as indicated on the pre-assessment estimators dated 28/03/12) shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the relevant commercial unit hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a design stage certificate as issued by a qualified BREEAM certification body.

#### **REASON:**

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### **51. APPROVAL CONDITION - Renewable & Decentralised Energy**

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable and/or low-carbon energy technologies on the site, that will achieve a total reduction in CO2 emissions of at least 10% shall be produced. Plans for the incorporation of renewable and/or low-carbon energy technologies to the scale that is demonstrated to be feasible by the study must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Proposals that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

#### **REASON:**

To ensure the development minimises its overall demand for resources and complies with policy SDP13 (vi) of the City of Southampton Local Plan (2006) and LDF Core Strategy Policy CS20

#### **52. APPROVAL CONDITION – Lifetime Homes Standard**

All residential units hereby approved shall be completed to Lifetime Homes Standards unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development.

#### **REASON:**

To ensure that the development meets agreed requirements by offering a full range of accommodation for all residents of the scheme in accordance with the Council's current disability standards and to ensure the development of the development is completed in the spirit of permission 08/00389/OUT

#### **53. APPROVAL CONDITION – 24hr Lift Provision & Travellator Access**

Unless otherwise agreed in writing with the Local Planning Authority the travellator linking the parking with the foodstore shown on the approved plans shall implemented in accordance with the approved plans and shall be made available for use at all times during the opening hours of the foodstore. The travellator shall be retained for its intended use during the life foodstore, unless otherwise agreed in writing by the Local Planning Authority.

The 24 hour public lift linking the Upper and Centenary squares shown on the approved plans shall be made available for use at all times prior to the first use of the Upper and Centenary squares. The lift shall be retained for its intended use during the life of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

To ensure that the development meets agreed requirements in accordance with the Council's current disability standards and to ensure the development is completed in the spirit of permission 08/00389/OUT

**54. APPROVAL CONDITION – Archaeology Investigation**

No development shall take place within the site (excluding any construction site set-up works) until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

**REASON:**

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure in accordance with the Environmental Statement.

**55. APPROVAL CONDITION – Archaeological work programme**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority (as required by the above condition).

**REASON:**

To ensure that the archaeological investigation is completed in accordance with the Environmental Statement.

**56. APPROVAL CONDITION – Acoustic Mitigation (Non Residential)**

Prior to development works commencing on each non residential building, including the service yard associated with the foodstore, an "Acoustic Survey and Noise Attenuation Strategy" shall be submitted to and approved in writing by the Local Planning Authority. The details shall assess the building's structural acoustic integrity and ability to contain noise, detailing any necessary attenuation measures so that noise and vibration do not affect surrounding residential or commercial units. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the non residential units to which the information relates. The gates serving the service delivery yard shall be kept closed when not in use.

**REASON:**

To protect the amenities of residents of nearby dwellings.

**57. APPROVAL CONDITION – Acoustic Mitigation (Spine Road)**

Prior to development works commencing an "Acoustic Survey" shall be submitted to and approved in writing by the Local Planning Authority in relation to those residential dwellings facing John Thornycroft Road. The details shall assess the impact of environmental noise on the prospective residents of the new dwellings and provide details of mitigation measures to attenuate external noise levels to the affected dwellings. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the affected residential units included within the development.

REASON:

To protect the amenities of residents and to accord with the Environmental Statement

**58. APPROVAL CONDITION – Telecommunications PD Restriction**

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

**59. APPROVAL CONDITION – Mezzanine Levels**

Other than those hereby approved there shall be no further mezzanine levels added to create additional floorspace without the prior written approval of the Local Planning Authority.

REASON:

As the Local Planning Authority have assessed a specific floorspace and to enable the LPA to retain control over the development as a whole.

**Note to Applicant**

**S.106 Agreement Informative**

An Agreement under S106 of the town & Country Planning Act 1990 has been completed in respect of the development hereby approved.

**Lighting Informative**

The development is close to the aerodrome and the approach to the runway. The applicant's attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2 'Lighting near Aerodromes' available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)

**Public Sewer Informative**

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Southern Water Informative**

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Cranes Informative**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other construction issues' available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)

**Pre-commencement/occupation Planning Conditions - Informative**

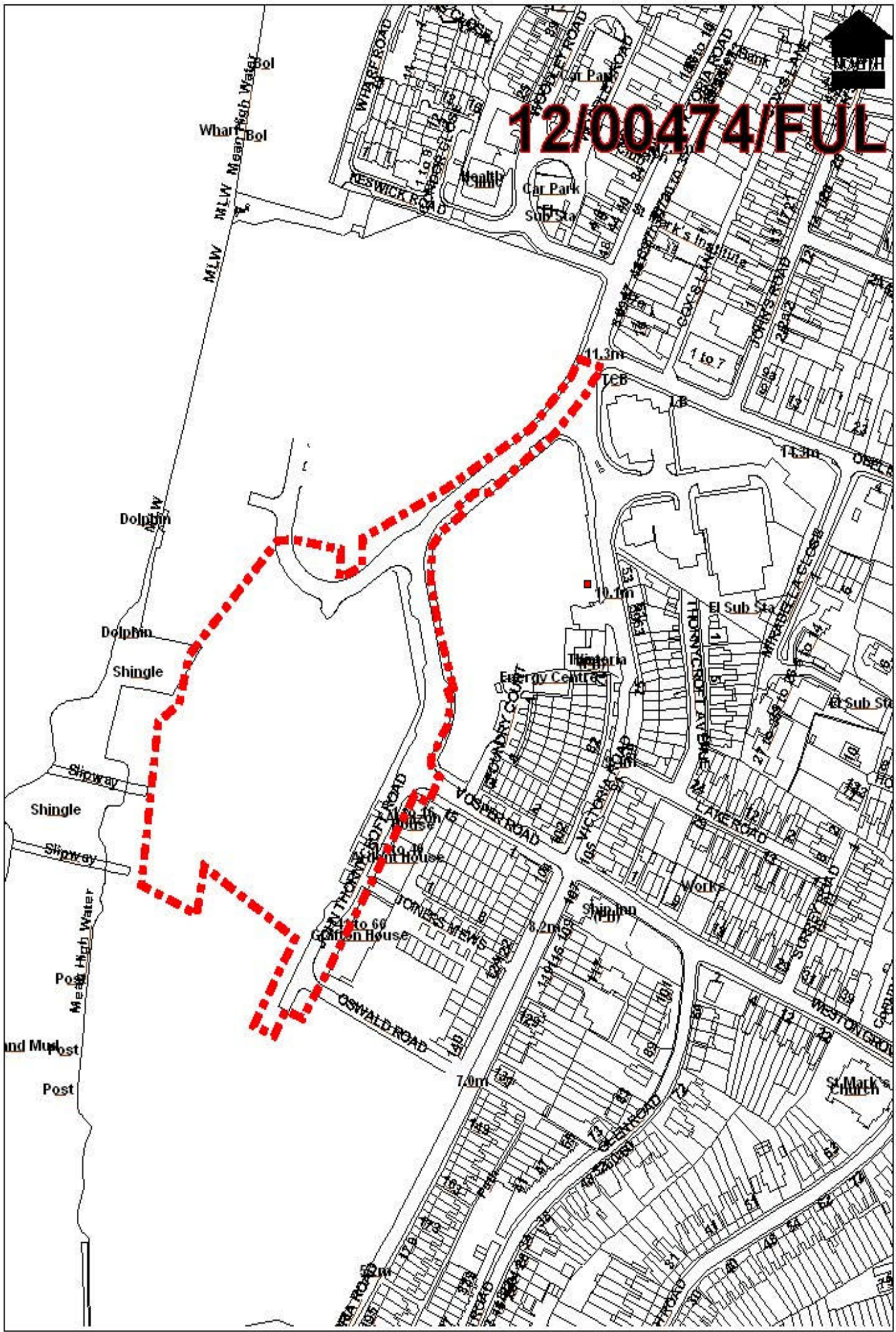
Your attention is drawn to the pre-commencement conditions above which require the terms of the conditions to be satisfied before development commences. If development commences in contravention of these conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.

**Signage & Other Material Alterations Informative**

The applicant is reminded that the provision of signage to support the non-residential uses hereby approved may require the express consent of the Local Planning Authority.

Planning permission should also be obtained before the installation of any external vents, air conditioning units, roller shutters and external ATM cash machines. Further advice is available from Southampton City Council.





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Scale : 1:2500

Date : 12 July 2012

